



**JUSTICE CABINET  
DEPARTMENT OF  
JUVENILE JUSTICE  
POLICY AND PROCEDURES**

**REFERENCES:**  
**42 U.S.C.A. § 12111**  
**KRS Chapter 344**  
**101 KAR 2:020**  
**101 KAR 2:102(2)(f)**  
**101 KAR 2:076**  
**4-JCF-6D-07**  
**3-JDF-1C-05-2**  
**3-JTS-1C-07-2**  
**2-CO-2C-09-1**  
**1-JDTP-1C-07-1**  
**3-JCRF-1C-03-1**  
**JPAS 2-7030-1**

**CHAPTER: Administration**

**AUTHORITY: KRS 15A.065**

**SUBJECT: DJJ Americans With Disabilities  
Amendments Act and Reasonable  
Accommodations Protocol**

**POLICY NUMBER: 131.1**

**TOTAL PAGES: 3**

**EFFECTIVE DATE: 12/01/2014**

**APPROVAL: Bob D. Hayter**

**, COMMISSIONER**

**I. POLICY**

The Department of Juvenile Justice (DJJ) staff shall be committed to providing reasonable accommodations to qualified individuals except when such accommodations would cause an undue hardship. DJJ shall follow all applicable statutes and administrative regulations of the State Personnel Cabinet in carrying out this policy.

**II. APPLICABILITY**

This policy shall apply to all staff of the Department of Juvenile Justice.

**III. DEFINITIONS**

Refer to Chapter 100.

**IV. PROCEDURES**

A. Staff requesting accommodations shall submit a written request, to their immediate Supervisor or to the Personnel Branch, along with supporting documentation from an appropriate medical professional. The Supervisor shall forward the request to the Personnel Branch.

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- B. DJJ shall have the option to request staff to submit a completed Medical Status Report (MSR).
- C. The department shall not alter the essential functions and fundamental job duties of a safety sensitive position due to safety and security concerns, and the protection of youth, staff and visitors.
- D. The availability to work any shift shall be an essential function, and, therefore, DJJ shall not honor requests for relief from any particular shift for staff in safety sensitive positions.
- E. The availability to work mandatory overtime shall be an essential function, and, therefore, DJJ shall not honor requests for relief from mandatory overtime due to restrictions.
- F. DJJ shall take a progressive approach in dealing with reasonable accommodations requests by engaging in an interactive process with the staff in the following manner:
  - 1. Determining if the accommodation can be granted;
  - 2. Reviewing vacant positions within the facility or office where the staff currently works to which the staff qualifies and can be temporarily assigned or transferred;
  - 3. Reviewing vacant positions in other facilities or offices within DJJ to which the staff qualifies and can be temporarily assigned or transferred;
  - 4. Assisting in the submission of an updated application to the Personnel Cabinet so the staff can be placed on qualifying registers for consideration;
  - 5. Assisting the staff in utilizing accrued leave, Sick Leave Sharing, Family Medical Leave (FML), or placing a staff on leave without pay for up to one (1) year.
  - 6. If the staff cannot return to work and perform the essential functions of the job after one (1) year of leave without pay, assist the staff in resigning their employment, provided no vacant positions for which the staff may qualify are available as described above.
- G. The process to transition employees into other employment will be limited to ten (10) days before expiration of the one year entitlement.
- H. Each facility or office shall review their environment to determine where positions are available which allows temporary transition of an employee to a position in which essential functions can be performed. Positions must already be established and vacant to be considered. Approved staffing patterns dictate the specific classifications and numbers of positions that facilities or offices can establish. DJJ cannot create positions to accommodate a request.

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**V. MONITORING MECHANISM**

This policy shall be reviewed annually by the Commissioner's Office and Administrative Services, Personnel Branch.